

DURIE TANGRI LLP
SONAL N. MEHTA (SBN 222086)
smehta@durietangri.com
LAURA E. MILLER (SBN 271713)
lmiller@durietangri.com
CATHERINE Y. KIM (SBN 308442)
ckim@durietangri.com
217 Leidesdorff Street
San Francisco, CA 94111
Telephone: 415-362-6666
Facsimile: 415-236-6300

Attorneys for Defendant
Facebook, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SIX4THREE, LLC,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

Case No. 3:17-cv-00359-WHA

**DEFENDANT FACEBOOK, INC.'S NOTICE
OF WITHDRAWAL OF OPPOSITION TO
PLAINTIFF SIX4THREE, LLC'S MOTION
TO REMAND**

Date: February 16, 2017
Time: 8:00 a.m.
Ctroom: 8, 19th Floor
Judge: Honorable William Alsup

1 On February 14, 2017, the Court issued an Order Granting Request to File a Surreply and
2 Requesting Response from Plaintiff ("Order"), stating:

3 . . . [B]y **FEBRUARY 15 AT 2:00 P.M.**, plaintiff shall state unequivocally
4 whether it will rely in any way on any federal law to support its claims
5 herein. The response must be either "yes" or "no." If the answer is "no,"
6 plaintiff will be bound to that answer and on remand may not rely on any
7 federal law.

8 ECF No. 28 at 2;

9 On February 14, 2017, Plaintiff Six4Three, LLC ("Six4Three") filed its Response to Order
10 Granting Request to File a Surreply and Requesting Response from Plaintiff ("Response"), stating:

11 Plaintiff Six4Three, LLC hereby responds to Judge Alsup's Order
12 Granting Request to File a Surreply and Requesting Response from
13 Plaintiff (#28) as follows: No.

14 ECF No. 29 at 1;

15 In reliance on Six4Three's confirmation that it will not "rely in any way on any federal law to
16 support its claims" and is "bound to that answer and on remand may not rely on any federal law," ECF
17 No. 28 at 2, Defendant Facebook, Inc. ("Facebook") hereby withdraws its Opposition to Six4Three's
18 Motion to Remand, ECF No. 20, filed February 6, 2017 ("Opposition"). Facebook respectfully requests
19 that the Court enter an order remanding the case based on the above. A proposed order is submitted
20 herewith.

21 Dated: February 15, 2017

DURIE TANGRI LLP

22 By: /s/ Sonal N. Mehta
23 SONAL N. MEHTA

24 Attorneys for Defendant
25 Facebook, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2017 the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the attorneys of record in this case.

/s/ Sonal N. Mehta

SONAL N. MEHTA